

CALIFORNIA APPRENTICESHIP COUNCIL
NOTICE OF PROPOSED ACTION TO AMEND
CALIFORNIA CODE OF REGULATIONS, TITLE 8, CHAPTER 2, PART IV,
SECTION 230.1.

Prepared by:

EDMUND G. BROWN JR.
Attorney General
JULIAN O. STANDEN
Suite 11000
455 Golden Gate Avenue
San Francisco, CA 94102
(415) 703-5535

TITLE 8. CALIFORNIA APPRENTICESHIP COUNCIL NOTICE OF PROPOSED ACTION

NOTICE IS HEREBY GIVEN that the California Apprenticeship Council ("Council"), pursuant to rulemaking authority derived from Labor Code section 1777.7, in order to implement, interpret and make specific section 1777.5 of the Labor Code, proposes to amend Section 230.1 of Art. 10, Part I, Chapter 2 of Title 8 of the California Code of Regulations ("CCR") concerning employment of apprentices on public works.

PUBLIC HEARING: The Council will hold public hearings on the proposed rulemaking on August 7, 2008 at the Junipero–Serra State Building, Carmel Room, 1st Floor, 320 W. Fourth Street, Los Angeles, CA 90013, from 10:00 a.m. to 2:00 p.m., and on August 14, 2008 at the Hiram Johnson State Building, Milton Marks Conference Center, San Diego Rooms A/B/C, 455 Golden Gate Avenue, San Francisco, CA 94102, from 10:00 a.m. to 2:00 p.m. At the hearings, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest (below). The Council requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD: Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action by mail or personal delivery to Glen Forman, Division of Apprenticeship Standards, 455 Golden Gate Avenue, 10th Floor, San Francisco, California 94102. Written comments may also be sent to Glen Forman (1) via electronic mail to DASComments@dir.ca.gov or (2) via fax to (415) 703-5227. To be considered, written comments must be received by the Council no later than 5:00 p.m. on August 14, 2008.

CONTACT PERSON: Nonsubstantive inquiries concerning this action, such as requests for copies of the text of the proposed regulations, and the location of public records, may be directed to Brian Crawford at (415) 703-1467. The backup contact person is Glen Forman at (415) 703-4939. Inquiries regarding the substance of the proposed regulations may be directed to Glen Forman at (415) 703-4939.

INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW

Labor Code section 1777.7(g) authorizes the Council to adopt regulations to interpret the provisions of Labor Code section 1777.5, which governs the employment of apprentices on public works. This rulemaking was adopted unanimously by the Council to amend the regulation which interprets this statute – Tit. 8, CCR section 230.1 – to provide that public works contractors requesting dispatch from the applicable apprenticeship committees must exhaust the availability of apprentices from all applicable apprenticeship committees, not just one, to be deemed in compliance with the requirement for employment of apprentices on public works. The change is intended to increase the opportunities for employment of apprentices. No comparable federal

regulation or statute exists. Please see the Council's Initial Statement of Reasons for further information.

DISCLOSURES REGARDING THE PROPOSED ACTION: The Council has made the following initial determinations:

- Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None.
- Impact on the creation or the elimination of jobs or business, and the expansion of businesses within the State of California, or effect on small businesses: None. There is no effect on small business because the proposed action creates only changes in the procedure by which a public works contractor shows compliance with the requirement to employ apprentices on public works when requesting dispatch from the applicable apprenticeship committees, and does not impose costs.
- Significant effect on housing costs: None.
- Cost impacts on representative private person or business: None. The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

FISCAL IMPACTS:

- Costs or savings to state agencies or costs / savings in federal funding to the State: None.
- Local Mandate: None.
- Cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code: None.
- Other nondiscretionary costs / savings imposed upon local agencies: None.

CONSIDERATION OF ALTERNATIVES: In accordance with Gov't Code section 11346.5(a)(13), the Council must determine that no reasonable alternative it considered or that otherwise has been identified and brought to the attention of the Council would be more effective in carrying out the purpose for which the action is proposed or would be as effective as the proposed action and less burdensome to affected private persons.

The Council invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS / INTERNET ACCESS: An initial statement of reasons and the text ("express terms") of the proposed regulations have been prepared and are available from the contact person named in this notice. The Council will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office located at the above address. Rulemaking records may be accessed through the agency's Internet website at www.dir.ca.gov.

AVAILABILITY OF CHANGED OR MODIFIED TEXT: After holding the hearing and considering all timely and relevant comments received, the Council may adopt the

proposed regulations substantially as described in this notice. If the Council makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Council adopts the regulations as revised. Any such modifications will also be posted on the Council's website.

Please send requests for copies of any modified regulations to the attention of the contact person(s) listed above. The Council will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS: Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the contact person named in this notice or may be accessed on the website listed above.